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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 10 1994

REPLY TO THE ATTENTION OF:

HSE-5J

**VIA HAND DELIVERY**

1412 Washington Corporation  
c/o Robert A. Egan, Esq.  
Egan & Trapp  
221 North LaSalle Street  
Suite 1238  
Chicago, Illinois 60601

Louis Wolf  
c/o Robert A. Egan, Esq.  
Egan & Trapp  
221 North LaSalle Street  
Suite 1238  
Chicago, Illinois 60601

Re: Cuneo Press Site

Dear Mr. Egan:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Andrew Warren, Assistant Regional Counsel, at (312) 353-5485 or Fred Bartman, On-Scene Coordinator, at (312) 886-5485.

Sincerely yours,

  
for William E. Muno, Director  
Waste Management Division

Enclosure

cc: Gary King, Illinois EPA  
Scott Sachnoff, City of Chicago  
James Van der Kloot, City of Chicago



Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF: ) Docket No. **V-W- '95-C-271**  
)  
CUNEO PRESS SITE ) ADMINISTRATIVE ORDER  
Chicago, Illinois ) PURSUANT TO SECTION 106(a)  
) OF THE COMPREHENSIVE  
Respondents: ) ENVIRONMENTAL RESPONSE,  
) COMPENSATION, AND  
) LIABILITY ACT OF 1980,  
1412 WASHINGTON CORPORATION ) AS AMENDED, 42 U.S.C.  
LOUIS WOLF ) SECTION 9606(a)

**I. JURISDICTION AND GENERAL PROVISIONS**

This Order is issued pursuant to the authority vested in the President of the United States by section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Waste Management Division, Region V, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 2201 to 2300 South Grove Street, Chicago, Illinois (the "Cuneo Press Site" or the "Site"). This Order requires the Respondents to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

EPA has notified the State of Illinois of this action pursuant to section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

**II. PARTIES BOUND**

This Order applies to and is binding upon Respondents and Respondents' receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this Order. Compliance or noncompliance by one or more Respondents with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that its contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance.

### **III. FINDINGS OF FACT**

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The Site is located at 2201 through 2300 Grove Street in Chicago, Illinois in a partially developed industrial area of approximately 4.5 acres. The Site is situated along the eastern bank of the South Branch of the Chicago River, approximately four miles to the southwest of the Chicago Loop. The buildings were constructed in 1925 to 1927 by the Cuneo Press Company, a large scale printing facility that occupied the subject property for approximately 50 years. It is believed that the printing operations ceased and the buildings were sold in 1977.

2. According to Environmental Site Assessment Reports dated April 24, 1994, the Site buildings contain approximately 125 55-gallon abandoned drums, ten storage tanks that vary in size from 250 to 1000 gallons, and four large transformers. Six underground storage tanks (UST) are also present on Site including a 50,000 gallon vault used to store fuel oil.

3. Respondent 1412 Washington Corporation owns a portion of the Site, specifically the South 24.35 feet of Lot 3 and all of Lot 4 in block 3 in the south branch addition to Chicago in Section 28, Township 39 North, Range 14 East of the Third Principal Meridian in Chicago, Cook County, Illinois.

4. Respondent Louis Wolf owns a portion of the Site, specifically part of Lot 10 and all of Lots 11, 12, 13, 14, 15, 16 and 17 in block 3 of the south branch addition to Chicago in Section 28, Township 39 North, Range 14, East of the Third Principal Meridian in Chicago, Cook County, Illinois.

5. The EPA visited the Site on August 23 and 29, 1994 and observed the following conditions. The two seven story buildings on site (approximately 700,000 square feet) are dilapidated commercial buildings that have suffered extensive fire and water damage due to a tire fire and a movie production. The interiors of both buildings have been vandalized for the salvage value of scrap metal (i.e. plumbing and electrical components).

6. The drum and tank locations as described in previous reports were confirmed. Many of the containers were leaking and in poor condition. Drum labels indicated the presence of flammable waste, methanol, toluene, multi-polymer solution and chlorinated solvents. Five drums were sampled and analyzed for flashpoint, volatile organics and pH. Flashpoints as low as 72 Degrees Fahrenheit were measured confirming the presence of RCRA ignitable waste (hazardous

waste code D001). Volatile Organic Compounds including toluene at 37% to 60% and trichloroethylene (TCE) at 26% were detected confirming the presence of RCRA (Resource Conservation and Recovery Act) hazardous wastes F001 and F005.

7. Approximately nineteen transients live inside the buildings. According to some of the residents, individuals have been known to become intoxicated by inhaling or drinking the drum contents. Flammable drum contents were also used by scrappers to salvage copper wire by burning off electrical coatings.

8. In September, 1994 EPA contractors were mobilized to stage the drums into a more secure area and characterize the waste. Mixing tanks, transformers and the 50,000 gallon fuel oil vault were also inspected and found to be empty. The USTs were also sampled and contained primarily water with some toluene.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, EPA determines that:

1. The Cuneo Press Site is a "facility" as defined by section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. Methanol, toluene, trichloroethylene (TCE) and RCRA ignitable waste (D001) are "hazardous substances" as defined by section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

3. Each Respondent is a "person" as defined by section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

4. Respondents 1412 Washington Corporation and Louis Wolf are each the present "owner" and "operator" of the Cuneo Press Site, as defined by section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents are therefore liable persons under section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:

- a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances,

pollutants or contaminants; this factor is present at the Site due to the existence of the following conditions:

The Cuneo Press Site is a facility in disrepair with deteriorating drums and tanks documented to contain hazardous substances. Because access is unrestricted, potential for direct exposure to hazardous substances exists. Transients that live on-site claim that drum contents are used by individuals to become intoxicated. There is evidence that scrappers and vandals frequently trespass on the Site. There may be an actual exposure due to direct ingestion and inhalation of toluene and TCE and other undocumented hazardous substances.

Chronic exposure to high levels of toluene can cause long term damage to the central nervous system. Studies of individuals who abuse this chemical indicate permanent changes to the white matter of the brain which correlate with the degree of functional impairment in affected individuals. Inhalation and/or ingestion of high levels of toluene could also lead to death.

TCE is a potential human carcinogen. TCE can also affect the central nervous system and reports have indicated hepatic and renal effects in humans.

b. hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

This factor is present at the Site due to the presence of drums containing hazardous substances. All drums were in varying stages of deterioration, while some were observed to have leaked a portion or all their contents. At least three USTS were also found on-Site and contain varying amounts of naphthalene.

c. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

This factor is present at the Site due to the existence of drums located in unheated and open buildings and are subject to extreme temperature fluctuations common to the Chicago area. Rain and adverse climate conditions contribute towards continuing deterioration of the drums which will lead to an additional release of hazardous substances.

d. threat of fire or explosion;

This factor is present at the Site due to the existence of drums containing material with flashpoints as low as 72 degrees Fahrenheit. A major tire fire has occurred near the location of the drums in the past. Scrappers also routinely

burn coatings off copper wires for its metal salvage value. Tires are still being stockpiled at the Site. Due to the sites unrestricted access, the potential for a fire/explosion exists. If such an event occurs, contaminants could become airborne and may affect the nearby population.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

#### V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, EPA hereby orders that Respondents perform the following actions:

1. Notice of Intent to Comply

Respondents shall notify EPA in writing within 3 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions themselves or retain a contractor to implement the removal actions. Respondents shall notify EPA of Respondents' qualifications or the name and qualifications of such contractor, whichever is applicable, within 5 business days of the effective date of this Order. Respondents shall also notify EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following EPA's disapproval and shall notify EPA of that contractor's name and qualifications within 3 business days of EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to EPA. To the greatest extent possible, the Project Coordinator shall be present

on site or readily available during site work. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. If EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following EPA's disapproval and shall notify EPA of that person's name and qualifications within 4 business days of EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by Respondents.

The EPA has designated Fred Bartman of the Emergency and Enforcement Response Branch, Region V, as its On-Scene Coordinator (OSC). Respondents shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard, HSE-5J, Chicago, Illinois, 60606-3590, by certified or express mail. Respondents shall also send a copy of all submissions to Andrew Warren, Assistant Regional Counsel, 77 West Jackson Boulevard, CS-29A, Chicago, Illinois, 60606-3590. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

### 3. Work to Be Performed

Respondents shall perform, at a minimum, the following removal actions:

- a) Develop and implement a Health and Safety Plan to cover removal activities;
- b) Bulk waste for disposal;
- c) Collect bulked samples for disposal facility approval;
- d) Dispose of overpacked and bulked hazardous waste and empty drums and containers at an approved disposal facility;
- e) Remove and dispose of contents of underground storage tanks; and
- f) Perform closure of the underground storage tanks in accordance with state and federal regulations.

#### 3.1 Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondents shall submit to EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If EPA requires revisions, Respondents shall

submit a revised draft Work Plan within 7 business days of notification. Respondents shall implement the Work Plan as finally approved in writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify EPA at least 48 hours prior to performing any on-site work pursuant to the EPA approved work plan.

Respondents shall not commence or undertake any removal actions at the Site without prior EPA approval.

### 3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondents shall submit a plan for EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by EPA, and implement the plan during the pendency of the removal action.

### 3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with EPA guidance. Upon request by EPA, Respondents shall have such a laboratory analyze samples submitted by EPA for quality assurance monitoring. Respondents shall provide to EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by EPA, Respondents shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or its contractors or agents while performing work under this Order. Respondents shall notify EPA not less than 3 business days in advance of any sample collection activity. EPA shall have the right to take any additional samples that it deems necessary.



### 3.4 Reporting

Respondents shall submit a monthly written progress report to EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to EPA and the State. The notice to EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

### 3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

### 4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and

the activities conducted pursuant to this Order. Such access shall be provided to EPA employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which EPA determines to be necessary. Respondents shall submit to EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractor, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify EPA if, after using its best efforts, it is unable to obtain such agreements. Respondents shall describe in writing its efforts to obtain access. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as EPA deems appropriate.

#### 5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify EPA that such documents and information are available to EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of EPA.

#### 6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Revised Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

#### 7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA section 121(e) and 40 CFR section 300.415(i). In accordance with 40 CFR section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the

exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

#### **8. Emergency Response and Notification of Releases**

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency and Enforcement Response Branch, Region V at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA section 103, 42 U.S.C. § 9603, and section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

#### **VI. AUTHORITY OF THE EPA ON-SCENE COORDINATOR**

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. EPA shall notify the Respondents, and Respondents shall notify EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

#### **VII. PENALTIES FOR NONCOMPLIANCE**

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this

Order or any portion hereof, EPA may carry out the required actions unilaterally, pursuant to section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to section 106 of CERCLA, 42 U.S.C. § 9606.

#### **VIII. REIMBURSEMENT OF COSTS**

Respondents shall reimburse EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. EPA's Itemized Cost Summary, or such other summary as certified by EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency  
Superfund Accounting  
P.O. Box 70753  
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Waste Management Division, U.S. EPA Region V, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Cuneo Press Site" and shall reference the payor's name and address, the EPA site identification number BO, and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

#### **IX. RESERVATION OF RIGHTS**

Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

#### **X. OTHER CLAIMS**

By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

#### **XI. MODIFICATIONS**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Waste Management Division, Region V.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligation to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

#### **XII. NOTICE OF COMPLETION**

After submission of the Final Report, Respondents may request that EPA provide a Notice of Completion of the work required by this Order. If EPA determines, after EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), EPA will provide notice to the Respondents. If EPA determines that any removal activities have

not been completed in accordance with this Order, EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

#### **XIII. ACCESS TO ADMINISTRATIVE RECORD**

The Administrative Record supporting these removal actions is available for review during normal business hours in the EPA Record Center, Region V, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondents may contact Andrew Warren, Assistant Regional Counsel, at (312) 353-5485 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

#### **XIV. OPPORTUNITY TO CONFER**

Within 3 business days after issuance of this Order, Respondents may request a conference with EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments in writing to EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Andrew Warren, Assistant Regional Counsel, at (312) 353-5485. Written submittals shall be directed as specified in Section V.2 of this Order.

#### **XV. SEVERABILITY**

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

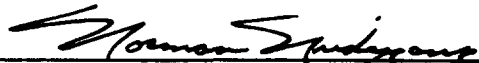
#### **XVI. EFFECTIVE DATE**

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a

conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY:



*for* William E. Muno, Director  
Waste Management Division  
United States

Environmental Protection Agency  
Region V

DATE: 11/10/94

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REMOVAL ACTION

ADMINISTRATIVE RECORD  
FOR  
CUNEO PRESS SITE  
CHICAGO, ILLINOIS

September 27, 1994

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
09/02/94	Ecology & Environment, Inc.	U.S. EPA	Preliminary Analytical Report Via Telefax	10
09/09/94	Vanderkloot, Bruce, D., J., City of Chicago	U.S. EPA	Letter re: Request for U.S. EPA Assistance	1
09/28/94	Bartman, F., U.S. EPA Inc.	Traub, J., U.S. EPA	Action Memorandum	16
00/00/00	Ecology & Environment, Inc.	U.S. EPA	Site Assessment Report (Pending)	



ATTACHMENT B

LIABILITY FILE INDEX

1. Letter dated September 12, 1994 from Robert A. Egan, Egan & Trapp, addressed to Carol Graszer and Andrew Warren, U.S. EPA.
2. Letter dated October 7, 1994 from Robert A. Egan, Egan & Trapp, addressed to Pagel J. Williams, A. Jenson Associates.